

House Bill 44

By: Representatives Randall of the 138<sup>th</sup>, Porter of the 143<sup>rd</sup>, Holmes of the 61<sup>st</sup>, Hugley of the 133<sup>rd</sup>, Dukes of the 150<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

To amend Chapter 5 of Title 19 of the Official Code of Georgia Annotated, relating to divorce, so as to specify distribution of marital property under certain circumstances; to provide for counseling under certain circumstances; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Chapter 5 of Title 19 of the Official Code of Georgia Annotated, relating to divorce, is amended by striking in its entirety Code Section 19-5-13, relating to disposition of property in accordance with verdict, and inserting in lieu thereof the following:

"19-5-13.

The verdict of the jury disposing of the property in a divorce case shall be carried into effect by the court by entering such judgment or decree or taking such other steps as are usual in the exercise of the court's equitable powers to execute effectually and fully the jury's verdict; provided, however, that a party shall not be entitled to any of the marital property if it is established by a preponderance of the evidence that the separation between the parties was caused by that party's adultery."

**SECTION 2.**

Said chapter is further amended by adding a new Code section to the end of the chapter to read as follows:

"19-5-18.

If it is established by a preponderance of the evidence that the separation between the parties was caused by one of the party's adultery, then the court shall order the party who committed the adultery to attend 12 hours of counseling involving marital issues. The counseling shall be completed within six months of the final order granting the divorce. The counseling shall be performed by:

- 1 (1) A professional counselor, social worker, or marriage and family therapist who is  
2 licensed pursuant to Chapter 10A of Title 43;
- 3 (2) A physician who is licensed pursuant to Chapter 34 of Title 43;
- 4 (3) A psychologist who is licensed pursuant to Chapter 39 of Title 43;
- 5 (4) A member of a religious ministry responsible to its established ecclesiastical  
6 authority who possesses a master's degree or its equivalent in theological studies; or
- 7 (5) A person engaged in the practice of a specialty in accordance with Biblical doctrine  
8 in a public or nonprofit agency or entity or in private practice."

9 **SECTION 3.**

10 All laws and parts of laws in conflict with this Act are repealed.